IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARYAMAN SHANDILYA, and, PRATIK ADHIKARI,	)	
Plaintiffs,	)	CIVIL ACTION NO. 25-477
v.	)	JUDGE STICKMAN
KRISTI NOEM, SECRETARY U.S. DEPARTMENT OF HOMELAND SECURITY, TODD LYONS, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCMENT, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,	)	*(Electronic Filing)*
Defendants.	)	

JOINT STIPULATION OF DISMISSAL

NOW COME Plaintiffs Aryaman Shandilya and Pratik Adhikari ("Plaintiffs"), and Defendants, Kristi Noem, Secretary U.S. Department of Homeland Security, Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security, and the U.S. Immigration and Customs Enforcement (collectively, "Defendants"), by and through their undersigned counsel, and hereby jointly stipulate to dismiss this action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) but subject to the Court's continuing authority to enforce the parties' agreements as set forth in this Stipulation.

Plaintiffs bring this action arising out of allegations that their Student and Visitor Exchange Information System ("SEVIS") records were wrongfully terminated. *See* ECF No. 4 (Amended Complaint).

1. The SEVIS records for Plaintiffs in this case have been set back to "active" by the Student and Exchange Visitor Program ("SEVP") within Homeland Security Investigations

("HSI") at U.S. Immigration and Customs Enforcement ("ICE"). With the authorization of the U.S. Department of Homeland Security, ICE has provided both plaintiffs with a letter stating that their SEVIS status has been fully restored. True and correct copies of these letters are attached to this Stipulation and incorporated by reference.

2. As set forth in the letters attached hereto as Exhibit 1 and 2, the reactivation of Plaintiffs' SEVIS records shall be considered by DHS (including all of its components) to be retroactive to the date of their initial termination, such that there is no gap or lapse in the Plaintiffs' SEVIS records or student visa status as a result of the aforementioned termination. Although the event history will memorialize whatever modifications are made to the SEVIS account, the effect of this retroactive activation is as though the termination did not happen.

3. ICE will not re-terminate the Plaintiffs' SEVIS records based on the National Crime and Information Center ("NCIC") record that led to the initial terminations or on any related prudential visa revocation that is effective upon departure (as set forth in Paragraph 5). However, ICE maintains the authority to terminate a SEVIS record for other reasons, such as if a student fails to maintain his or her nonimmigrant status after the record is reactivated or engages in other unlawful activity that would render him or her removable from the United States under the Immigration and Nationality Act ("INA").

4. As stated in ICE's new SEVIS policy, "if State revokes a nonimmigrant visa effective immediately, SEVP may terminate the nonimmigrant's SEVIS record based on the visa revocation with immediate effect, as such a revocation can serve as a basis of removability under INA § 237(a)(1)(B)." A visa revocation that is effective upon departure rather than immediately does not establish removability under INA § 237(a)(1)(B), and therefore is not, in itself, a basis for termination of the SEVIS record.

5. Pursuant to INA § 221(i), notice of a visa revocation must be communicated to the Department of Homeland Security ("DHS"). DHS has not received any communication from the Department of State that the visa of Plaintiff Shandilya in this action has been revoked with immediate effect. To the contrary, DHS stipulates that the visa revocation issued on or about April 8, 2025, by the United States Department of State, the Bureau of Consular Affairs Visa Office is effective upon departure and thus does not provide a basis for removal.

6. The termination and reactivation of Plaintiffs' SEVIS records by SEVP, as set forth in Paragraph 2 of this Stipulation, will not, in itself, have a negative impact on the adjudication of any benefit request by United States Citizenship and Immigration Services ("USCIS"). If, while adjudicating an immigration benefit request, USCIS finds that an F-1 nonimmigrant's SEVIS record was terminated and then reactivated by ICE, USCIS will continue processing the benefit request according to all applicable laws, regulations, policies, and procedures and consistent with this Stipulation.

7. To the extent USCIS issues a request for evidence, notice of intent to deny, or denial based in whole or part on the termination and reactivation of Plaintiffs' SEVIS records, counsel for Defendants agrees to cooperate with Plaintiffs' counsel to ensure USCIS is aware of this Stipulation and its terms in connection with its consideration or reconsideration of Plaintiffs' benefits request.

8. Defendants shall communicate this Stipulation to the Department of State, USCIS, and U.S. Customs and Border Protection.

9. Plaintiffs shall dismiss this action with prejudice but subject to the Court's continuing jurisdiction to enforce the agreements set forth in this Stipulation.

10. Each party shall bear its own fees and costs.

WHEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby stipulate to voluntarily dismiss Plaintiffs' claims with prejudice but subject to the Court's continuing jurisdiction to enforce the agreements set forth in this Stipulation.

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